

JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

BRIAN J. STRETCH (CSBN 163973)  
Chief, Criminal Division

KYLE F. WALDINGER (ILSB 6238304)  
Assistant United States Attorney

450 Golden Gate Avenue, 11<sup>th</sup> Floor  
San Francisco, California 94102  
Telephone: (415) 436-6830  
Facsimile: (415) 436-7234  
E-mail: kyle.waldinger@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) No. CR 09-1150 SI  
Plaintiff, )  
v. ) STIPULATION AND [PROPOSED]  
ALEX CHIU, ) ORDER DOCUMENTING EXCLUSION  
Defendant. ) OF TIME

---

With the agreement of the parties, and with the consent of the defendant Alex Chiu (“defendant”), the Court enters this order documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from May 10, 2010, to June 15, 2010. The Court finds and holds, as follows:

1. The defendant Alex Chiu appeared before the Court on April 9, 2010. At that time, the Court set a trial date of June 21, 2010 and a pretrial conference date of June 15, 2010. Counsel for the United States informed the Court at the appearance on April 9, 2010 that he would be out of the office for approximately 22 days in May, *i.e.*, from about May 10, 2010 through May 31, 2010. In addition, since the parties' appearance, counsel for the parties have agreed that each counsel will need the period from at least May 31, 2010 to the date of the pretrial conference on June 15, 2010 to prepare pretrial filings, to

STIP. & [PROPOSED] ORDER DOCUMENTING  
EXCLUSION OF TIME [CR 09-1150 SI]

1 prepare for the pretrial conference, and to prepare for trial and that, accordingly, that  
2 period of time should be excluded from Speedy Trial calculations based on the need for  
3 effective preparation of counsel.

4 2. Based on these facts, the Court finds that, taking into the account the public  
5 interest in the prompt disposition of criminal cases, setting a trial for June 21, 2010 and a  
6 pretrial conference for June 15, 2010 and excluding time from May 10, 2010 to June 15,  
7 2010 is necessary for continuity of government counsel and for effective preparation of  
8 both government counsel and defense counsel. See 18 U.S.C. § 3161(h)(7)(B)(iv). Given  
9 these circumstances, the Court finds that the ends of justice served by excluding the  
10 period from May 10, 2010 to June 15, 2010, outweigh the best interest of the public and  
11 the defendant in a speedy trial. Id. § 3161(h)(7)(A).

12 3. Accordingly, and with the consent of the defendant, the Court orders that  
13 the period from May 10, 2010 to June 15, 2010, be excluded from Speedy Trial Act  
14 calculations under 18 U.S.C. §§ 3161(h)(1)(D) and 3161(h)(7)(A) and (B)(iv).

15  
16 DATED: April 14, 2010

JOSEPH P. RUSSONIELLO  
United States Attorney

17  
18 DATED: April 14, 2010

/s/  
19 KYLE F. WALDINGER  
20 Assistant United States Attorney

21 IT IS SO ORDERED.

22 DATED: April \_\_\_, 2010

/s/  
23 BRIAN H. GETZ  
24 Attorney for defendant Alex Chiu

25  
26  
27  
28

STIP. & [PROPOSED] ORDER DOCUMENTING  
EXCLUSION OF TIME [CR 09-1150 SI] -2-

  
SUSAN ILLSTON

United States District Judge